



House of Representatives

General Assembly

File No. 479

February Session, 2004

Substitute House Bill No. 5067

House of Representatives, April 6, 2004

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT REQUIRING THE REPORTING OF THE THEFT OR LOSS OF
A FIREARM AND REQUIRING A LOCAL PERMIT FOR THE RETAIL
SALE OF FIREARMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) Any person who
2 possesses a firearm, as defined in section 53a-3 of the general statutes,
3 that is stolen from such person or that such person loses shall report
4 such theft or loss to the organized local police department for the town
5 in which the theft or loss occurred or, if such town does not have an
6 organized local police department, to the state police troop having
7 jurisdiction for such town, not later than seventy-two hours after such
8 person knew or should have known of such theft or loss. Such
9 department or troop shall forthwith forward a copy of such report to
10 the Commissioner of Public Safety.

11 (b) Any person who fails to make a report required by subsection (a)
12 of this section within the prescribed time period shall be fined not

13 more than five hundred dollars, except that, if such person
14 intentionally fails to make such report within the prescribed time
15 period, such person shall be guilty of a class A misdemeanor for the
16 first offense and a class D felony for any subsequent offense.

17 Sec. 2. Subsection (a) of section 29-28 of the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective*
19 *October 1, 2004*):

20 (a) No person who sells ten or more [pistols or revolvers] firearms in
21 a calendar year or is a federally-licensed firearm dealer shall advertise,
22 sell, deliver, or offer or expose for sale or delivery, or have in such
23 person's possession with intent to sell or deliver, any [pistol or
24 revolver] firearm at retail without having a permit therefor issued as
25 provided in this subsection. The chief of police or, where there is no
26 chief of police, the warden of the borough or the first selectman of the
27 town, as the case may be, may, upon the application of any person,
28 issue a permit in such form as may be prescribed by the Commissioner
29 of Public Safety for the sale at retail of [pistols and revolvers] firearms
30 within the jurisdiction of the authority issuing such permit. No permit
31 for the sale at retail of any [pistol or revolver] firearm shall be issued
32 unless the applicant holds a valid eligibility certificate for a pistol or
33 revolver issued pursuant to section 29-36f or a valid state permit to
34 carry a pistol or revolver issued pursuant to subsection (b) of this
35 section and the applicant submits documentation sufficient to establish
36 that local zoning requirements have been met for the location where
37 the sale is to take place except that any person selling or exchanging a
38 [pistol or revolver] firearm for the enhancement of a personal
39 collection or for a hobby or who sells all or part of such person's
40 personal collection of [pistols or revolvers] firearms shall not be
41 required to submit such documentation for the location where the sale
42 or exchange is to take place.

43 Sec. 3. Subsection (a) of section 29-30 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2004*):

46 (a) The fee for each permit originally issued under the provisions of
47 subsection (a) of section 29-28, as amended by this act, for the sale at
48 retail of [pistols and revolvers] firearms shall be one hundred dollars
49 and for each renewal thereof one hundred dollars. The fee for each
50 state permit originally issued under the provisions of subsection (b) of
51 section 29-28 for the carrying of pistols and revolvers shall be seventy
52 dollars plus sufficient funds as required to be transmitted to the
53 Federal Bureau of Investigation to cover the cost of a national criminal
54 history records check. The local authority shall forward sufficient
55 funds for the national criminal history records check to the
56 commissioner no later than five business days after receipt by the local
57 authority of the application for the temporary state permit. Thirty-five
58 dollars shall be retained by the local authority. Upon approval by the
59 local authority of the application for a temporary state permit, thirty-
60 five dollars shall be sent to the commissioner. The fee to renew each
61 state permit originally issued under the provisions of subsection (b) of
62 section 29-28 shall be thirty-five dollars. Upon deposit of such fees in
63 the General Fund, ten dollars of each fee shall be credited within thirty
64 days to the appropriation for the Department of Public Safety to a
65 separate nonlapsing account for the purposes of the issuance of
66 permits under subsections (a) and (b) of section 29-28, as amended by
67 this act.

68 Sec. 4. Subsection (b) of section 29-33 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2004*):

71 (b) On and after October 1, 1995, no person may purchase or receive
72 any pistol or revolver unless such person holds a valid permit to carry
73 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
74 valid permit to sell at retail [a pistol or revolver] firearms issued
75 pursuant to subsection (a) of section 29-28, as amended by this act, or a
76 valid eligibility certificate for a pistol or revolver issued pursuant to
77 section 29-36f or is a federal marshal, parole officer or peace officer.

78 Sec. 5. Subsection (e) of section 29-33 of the general statutes is

79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2004*):

81 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
82 the person making the purchase or to whom the same is delivered or
83 transferred shall sign a receipt for such pistol or revolver which shall
84 contain the name and address of such person, the date of sale, the
85 caliber, make, model and manufacturer's number and a general
86 description of such pistol or revolver, the identification number of
87 such person's permit to carry pistols or revolvers, issued pursuant to
88 subsection (b) of section 29-28, permit to sell at retail [pistols or
89 revolvers] firearms, issued pursuant to subsection (a) of said section, or
90 eligibility certificate for a pistol or revolver, issued pursuant to section
91 29-36f, if any, and the authorization number designated for the transfer
92 by the Department of Public Safety. The person, firm or corporation
93 selling such pistol or revolver or making delivery or transfer thereof
94 shall give one copy of the receipt to the person making the purchase of
95 such pistol or revolver or to whom the same is delivered or
96 transferred, shall retain one copy of the receipt for at least five years,
97 and shall send, by first class mail, or electronically transmit, within
98 forty-eight hours of such sale, delivery or other transfer, one copy of
99 the receipt to the Commissioner of Public Safety and one copy of the
100 receipt to the chief of police or, where there is no chief of police, the
101 warden of the borough or the first selectman of the town, as the case
102 may be, of the town in which the transferee resides.

103 Sec. 6. Subsections (a) and (b) of section 29-36l of the general statutes
104 are repealed and the following is substituted in lieu thereof (*Effective*
105 *October 1, 2004*):

106 (a) The Commissioner of Public Safety shall establish a state
107 database within one year of October 1, 1994, that any person, firm or
108 corporation who sells or otherwise transfers pistols or revolvers may
109 access, by telephone or other electronic means in addition to the
110 telephone, for information to be supplied immediately, on whether a
111 permit to carry a pistol or revolver, issued pursuant to subsection (b)

112 of section 29-28, a permit to sell at retail [a pistol or revolver] firearms,
113 issued pursuant to subsection (a) of section 29-28, as amended by this
114 act, or an eligibility certificate for a pistol or revolver, issued pursuant
115 to section 29-36f, is valid and has not been revoked or suspended.

116 (b) Upon establishment of the database, the commissioner shall
117 notify each person, firm or corporation holding a permit to sell at retail
118 [pistols or revolvers] firearms issued pursuant to subsection (a) of
119 section 29-28, as amended by this act, of the existence and purpose of
120 the system and the means to be used to access the database.

121 Sec. 7. Section 29-38b of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective October 1, 2004*):

123 (a) The Commissioner of Public Safety, in fulfilling [his] the
124 commissioner's obligations under sections 29-28 to 29-38, inclusive, as
125 amended, and section 53-202d, shall verify that any person who, on or
126 after October 1, 1998, applies for or seeks renewal of a permit to sell at
127 retail [a pistol or revolver] firearms, a permit to carry a pistol or
128 revolver, an eligibility certificate for a pistol or revolver or a certificate
129 of possession for an assault weapon has not been confined in a hospital
130 for persons with psychiatric disabilities, as defined in section 17a-495,
131 within the preceding twelve months by order of a probate court, by
132 making an inquiry to the Department of Mental Health and Addiction
133 Services in such a manner so as to only receive a report on the
134 commitment status of the person with respect to whom the inquiry is
135 made including identifying information in accordance with the
136 provisions of subsection (b) of section 17a-500.

137 (b) If the Commissioner of Public Safety determines pursuant to
138 subsection (a) of this section that a person has been confined in a
139 hospital for persons with psychiatric disabilities, as defined in section
140 17a-495, within the preceding twelve months by order of a probate
141 court, said commissioner shall report the status of such person's
142 application for or renewal of a permit to sell at retail [a pistol or
143 revolver] firearms, a permit to carry a pistol or revolver, an eligibility
144 certificate for a pistol or revolver or a certificate of possession for an

145 assault weapon to the Commissioner of Mental Health and Addiction
 146 Services for the purpose of fulfilling [his] the commissioner's
 147 responsibilities under subsection (c) of section 17a-500.

148 Sec. 8. Subsection (b) of section 54-36e of the general statutes is
 149 repealed and the following is substituted in lieu thereof (*Effective*
 150 *October 1, 2004*):

151 (b) Firearms turned over to the state police pursuant to subsection
 152 (a) of this section which are not destroyed or retained for appropriate
 153 use shall be sold at public auctions, conducted by the Commissioner of
 154 Administrative Services or [such] the commissioner's designee. Pistols
 155 and revolvers, as defined in section 53a-3, which are antiques, as
 156 defined in section 29-33, or curios or relics, as defined in the Code of
 157 Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols
 158 and revolvers which have a current retail value of one hundred dollars
 159 or more may be sold at such public auctions, provided such pistols and
 160 revolvers shall be sold only to persons who have a valid permit to sell
 161 [a pistol or revolver,] at retail firearms or a valid permit to carry a
 162 pistol or revolver, issued pursuant to section 29-28, as amended by this
 163 act. Rifles and shotguns, as defined in section 53a-3, shall be sold only
 164 to persons qualified under federal law to purchase such rifles and
 165 shotguns. The proceeds of any such sale shall be paid to the State
 166 Treasurer and deposited by the State Treasurer in the forfeit firearms
 167 account within the General Fund.

168 Sec. 9. (*Effective October 1, 2004*) Section 53-202g of the general
 169 statutes is repealed.

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| This act shall take effect as follows: | |
| Section 1 | <i>October 1, 2004</i> |
| Sec. 2 | <i>October 1, 2004</i> |
| Sec. 3 | <i>October 1, 2004</i> |
| Sec. 4 | <i>October 1, 2004</i> |
| Sec. 5 | <i>October 1, 2004</i> |
| Sec. 6 | <i>October 1, 2004</i> |
| Sec. 7 | <i>October 1, 2004</i> |

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|--------|------------------------|
| Sec. 8 | <i>October 1, 2004</i> |
| Sec. 9 | <i>October 1, 2004</i> |

PS *Joint Favorable C/R* JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 05 \$ | FY 06 \$ |
|---------------------------|----------------------|----------------------|----------------------|
| Criminal Justice Agencies | GF - Cost | Potential | Potential |
| Criminal Justice Agencies | GF - Revenue Gain | Potential | Potential |
| Public Safety, Dept. | GF - Revenue Gain | Less than \$5,000 | Less than \$5,000 |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 05 \$ | FY 06 \$ |
|------------------------------|--------|----------|----------|
| Municipal Police Departments | None | None | None |

Explanation

The bill requires that lost or stolen firearms be reported to the state within 72 hours and it makes intentional failure to report a misdemeanor for a first offense and a felony for any subsequent offense. Unintentional failure to report is punishable by a fine up to \$500. While the number of offenses is unknown at this time, it is not anticipated that the number of persons prosecuted and convicted under these provisions would be significant. Passage of the bill could result in cost and revenue to various criminal justice agencies.¹

The bill also requires that all firearms dealers get local permits to sell guns. Passage of this provision of the bill would result in additional revenue, as all dealers would be required to register. There are currently 443 licensed dealers in the state and the fee for acquiring and renewing a dealer's permit is \$100. Under current law, federally licensed gun dealers and people who sell more than 10 handguns must

¹ The annual cost of imprisonment is about \$25,000 and the average annual cost of probation supervision by the Court Support Services Division is estimated to be \$2,000 - \$3,300.

get a local permit.

Finally, the bill requires that these reports be filed with local police departments or towns' State Police troops. Copies of these reports must then be forwarded to the Department of Public Safety. Passage of this provision would not result in the need for additional resources.

OLR BILL ANALYSIS

sHB 5067

AN ACT REQUIRING THE REPORTING OF THE THEFT OR LOSS OF A FIREARM AND REQUIRING A LOCAL PERMIT FOR THE RETAIL SALE OF FIREARMS**SUMMARY:**

This bill (1) requires anyone whose firearm is lost or stolen to report this to the police within 72 hours after he knows or should have known about it and (2) all firearm dealers, rather than just those who sell handguns, to get a local permit to sell them.

It makes intentional failure to report lost or stolen guns by the prescribed deadline (1) a class A misdemeanor for a first offense, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both, and (2) a class D felony for any subsequent offense, punishable by imprisonment for one to five years, a fine of up to \$5,000, or both. Unintentional failure to report is punishable by a fine of up to \$500. Current law requires assault weapon owners to report thefts but imposes no penalty for noncompliance.

The bill requires the reports to be made to the police department in the town where the theft or loss occurred or to the town's State Police troop if the town has no organized police department. It requires the department or troop to forward a copy of the report to the public safety commissioner (although it does not specify that the report must be in writing or who must write it).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2004

PERMIT TO SELL GUNS

Under current law, federal firearms licensees (gun dealers) who sell handguns and people who sell more than 10 handguns in any year must get a local permit to sell them from the police chief or, where there is none, the first selectman. The bill requires such sellers to get

this permit to sell any type of firearm. As is currently required for the permit to sell handguns, the applicant must (1) have a valid handgun carrying permit or a valid eligibility certificate to acquire handguns and (2) submit documentation to establish that the business location meets zoning requirements, unless he is selling part or all of a personal collection. The fee for getting and renewing the permit is \$100.

BACKGROUND

Related Federal Law

Federal law requires gun dealers to report any theft or loss of firearms from their inventory within 48 hours after they discover it (18 USC § 923(g)(6)). A willful violation is a felony, which carries a fine of up to \$250,000, imprisonment for up to five years, or both (18 USC § 924(a)(1)(D) and § 3571(b)(3)). A violation is willful if it can be established that the licensee understood the law's requirements but knowingly failed to follow or was indifferent to them (*T. T. Salvage Auction Co. Inc. v. Secretary, U. S. Dept. of Treasury*, 859 F Supp 977 (E. D. N. C. 1994)).

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Change of Reference

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0